

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

ALDO VERA, JR., as Personal Representative
of the Estate of Aldo Vera, Sr.,

Plaintiff,

v.

THE REPUBLIC OF CUBA,

Defendant,

No. 12 Civ. 1596 (AKH)

**NOTICE OF FILING MOTION TO STAY
FILED IN FLORIDA STATE COURT PROCEEDINGS**

Intervenors, Alfredo Villoldo and Gustavo E. Villoldo, individually, and as Administrator, Executor, and Personal Representative of the Estate of Gustavo Villoldo Argilagos (“Intervenors”), hereby notify the Court of the attached Motion to Stay All Proceedings Pending Adjudication of Motion to Vacate the Judgment for Lack of Subject Matter Jurisdiction, to Account for All Funds Received and to Disgorge (the “Motion to Stay”). The Motion to Stay was filed by Intervenors in the action titled *Aldo Vera, Jr. as Personal Representative of the Estate of Aldo Vera, Sr. v. The Republic of Cuba*, Case No. 01-31216 CA 11, in the Circuit Court for the Eleventh Judicial Circuit in and for Miami-Dade County, Florida. The Motion to Stay seeks a stay of Vera’s Florida state court proceeding pending resolution of Intervenors’ motion to vacate, account, and disgorge filed in this action at Docket Nos. 251, 252, and 253. The exhibits to the Motion to Stay are the filings in this Court located at Docket Nos. 251, 252 and 253.

Dated: June 24, 2013

/s/ Brandon R. Levitt

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Gustavo E. Villoldo, individually, and as
Administrator, Executor, and Personal
Representative of the Estate of Gustavo Villoldo
Argilagos*

CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that a true and correct copy of the forgoing was served via ECF to all parties designated to receive electronic filings and delivered via U.S. mail on this 24th day of June, 2013 to: Bruno Eduardo Rodríguez Parrilla, Minister of Foreign Affairs, Cuban Interests Section, 2630 16th Street, N.W., Washington, D.C. 20009.

/s/ Brandon R. Levitt

BRANDON R. LEVITT

EXHIBIT A

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

ALDO VERA, JR., as personal
Representative of the Estate of
Aldo Vera, Sr.,

Case No. 01-31216 CA 11

Plaintiff,

GENERAL JURISDICTION DIVISION

v.

THE REPUBLIC OF CUBA,

Defendant

_____/

**MOTION TO STAY ALL PROCEEDINGS PENDING ADJUDICATION OF MOTION
TO VACATE THE JUDGMENT FOR LACK OF SUBJECT MATTER JURISDICTION,
TO ACCOUNT FOR ALL FUNDS RECEIVED, AND TO DISGORGE**

Non-parties, Alfredo Villoldo and Gustavo Villoldo, individually, and as Administrator, Executor, and Personal Representative of the Estate of Gustavo Villoldo Argilagos ("Villoldos"), hereby file this motion to stay all proceedings respecting this case pending an adjudication by the United States District Court for the Southern District of New York on the Villoldos' motion to vacate the judgment and strike it from the public records for lack of subject matter jurisdiction and to require Aldo Vera, Jr. to account for all funds received by the Estate and disgorge the same. In support, the Villoldos state:

1. On December 28, 2001, Plaintiff Aldo Vera, Jr., as personal representative of the Estate of Aldo Vera, Sr., filed this action under the Foreign Sovereign Immunities Act falsely alleging that Aldo Vera, Sr. ("Vera") was assassinated by the Republic of Cuba and seeking damages pursuant to 28 U.S.C. § 1605(a)(7).

2. On May 15, 2008, based on the Plaintiff's representations, the Court entered a final judgment in favor of Plaintiff for damages in excess of \$95 million (the "Florida Judgment").

3. Plaintiff then sought and obtained a judgment in the Southern District of New York giving full faith and credit to the Florida Judgment (the "New York Judgment").

4. The Villoldos also have a judgment against the Republic of Cuba and intervened in Plaintiff's action in New York to vacate the Plaintiff's judgment because it is void for lack of subject matter jurisdiction on two grounds: (a) Vera was a terrorist who was killed as a result of criminal activities and not by the Republic of Cuba; and (b) Vera was not an American national as required by 28 U.S.C. § 1605(a)(7) (the "Motion to Vacate"). Attached hereto as Exhibit A is a copy of the Motion to Vacate, the memorandum filed in support, and the declaration and Andrew C. Hall attaching all exhibits in support of the Motion.

5. As detailed in the Motion to Vacate, Vera was a terrorist and a mass murderer, and Vera's estate obtained a \$95 million judgment in this Court through a gross misuse of legal process. Both the Florida and New York Judgments in favor of the Vera estate are void.

6. The Motion to Vacate was filed on June 18, 2013 and is currently pending before the New York court.

7. Plaintiff has recently requested the assistance of this Court in serving various documents in connection with its void Florida Judgment.

8. By this motion, the Villoldos request that the Court stay these proceedings in their entirety, including Plaintiff's request for judicial assistance in serving documents, pending adjudication by the New York court of the Motion to Vacate.

9. A stay of these proceedings is necessary to avoid wasting judicial resources and to prevent any further action by Plaintiff on its void Florida Judgment. *See Allstate Insurance Co. v. Titusville Total Health Care*, 848 So. 2d 1166, 1167 (Fla. 5th DCA 2003) (“Courts have often held that it is appropriate for one court to stay an action in order to avoid a waste of judicial resources if a similar issue is pending in another action and will be dispositive.”).

WHEREFORE, the Villoldos respectfully request that the Court stay these proceedings pending resolution by the United States District Court for the Southern District of New York of the Villoldos’ Motion to Vacate, and for such other relief that the Court deems just and reasonable.

Dated: June 19, 2013

Respectfully submitted,

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individually, and Gustavo E.
Villoldo, individually, and as
Administrator, Executor, and
Personal Representative of the
Estate of Gustavo Villoldo Argilagos*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the forgoing was delivered via Electronic mail this 19th day of June, 2013 to: **Joel Bello, Esq.**, Bello, Martinez & Ramirez PL, 800 Douglas Road, Suite 149, Coral Gables, Florida 33134, jbello@bmrlawgroup.com; and **Robert Swift, Esq.**, Kohn, Swift & Graf, P.C., One Broad Street, 21st Floor, Philadelphia, Pennsylvania 19107, rswift@koh Swift.com. And via U.S. mail upon: **Bruno Eduardo Rodriguez Parrilla**, Minister of Foreign Affairs, Cuban Interests Section, 2630 16th Street, N.W., Washington, DC 20009.

/s/ Andrew C. Hall

ANDREW C. HALL